

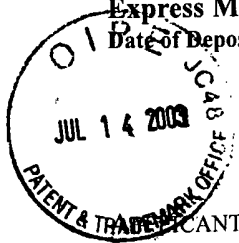
07-15-03
Express Mail Label No.: EV344056015US

Date of Deposit: July 14, 2003

Attorney Docket No. 46083.011200

DT14 Rec'd PCT/PTO 14 JUL 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANTS: Wright, et al.
ASSIGNEE: GeneSense Technologies, Inc.
SERIAL NUMBER: 09/786,212 EXAMINER: Not Yet Assigned
FILING DATE: November 20, 2000 ART UNIT: Not Yet Assigned
FOR: ANTISENSE OLIGONUCLEOTIDE SEQUENCES DERIVED FROM groEL AND groES
AS INHIBITORS OF MICROORGANISMS

July 14, 2003
Boston, Massachusetts

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


TRANSMITTAL LETTER

Transmitted herewith for filing in the above-referenced patent application are the following documents:

- ☒ Petition for Revival of an Unintentionally-Abandoned Patent Application;
- ☒ Response to Notification of Defective Response;
- ☒ Statement Under 37 CFR §1.821;
- ☒ Computer Readable Form of Sequence Listing;
- ☒ Copy of Notification of Defective Response (Form PCT/DO/EO/916);
- ☒ Fee Transmittal ; and
- ☒ Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at telephone (617) 310-6000. The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 50-2678, Ref. No. 46083-011200.

Respectfully submitted,


Michel Morency, Reg. No. 50,183
James F. Ewing, Reg. No. 52,875
Attorneys for Applicants
GREENBERG TRAURIG, LLP
One International Place
Boston, Massachusetts 02110
Tel: (617) 310-6000
Fax: (617) 310-6001



Dated: July 14, 2003

21



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Alexandria, VA 22313-1450


RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Dear Sir:

This paper is in response to the Notice of Defective Response mailed April 14, 2003 in the above-identified patent application. Applicants enclose the Sequence Listing in Computer Readable Form (CRF) because the Sequence Listing in CRF previously received by the Office was damaged and/or unreadable. A copy of the Notification is enclosed for the Office's convenience. Applicants also enclose a Petition for Revival of an Unintentionally-Abandoned Patent Application, and a Statement Under 37 CFR §1.821.

The Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-2678, Attorney Reference No. 46083-011200.

Respectfully submitted,


Michel Morency, Reg. No. 50,183
James F. Ewing, Reg. No. 52,875
Attorneys for Applicants
GREENBERG TRAURIG, LLP
One International Place
Boston, Massachusetts 02110
Tel: (617) 310-6000
Fax: (617) 310-6001



Dated: July 14, 2003

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE JS

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/786,212	FIRST NAMED APPLICANT Jim A Wright	ATTY. DOCKET NO. 21892-010
INTERNATIONAL APPLICATION NO. PCT/CA00/01347		
IA. FILING DATE 11/20/2000		PRIORITY DATE

Michel Morency
One financial Center
boston, MA 02111

CONFIRMATION NO. 6554
371 FORMALITIES LETTER
OC000000009825555

Date Mailed: 04/14/2003

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Copy of the International Application filed on 03/01/2001
- Copy of the International Search Report filed on 03/01/2001
- Copy of IPE Report filed on 03/01/2001
- Information Disclosure Statements filed on 08/30/2002
- Biochemical Sequence Diskette filed on 02/15/2002
- Oath or Declaration filed on 03/01/2001
- Biochemical Sequence Listing filed on 03/01/2001
- Small Entity Statement filed on 03/01/2001
- Request for Immediate Examination filed on 03/01/2001
- Copy of references cited in ISR filed on 03/01/2001
- U.S. Basic National Fees filed on 03/01/2001
- Assignee Statement filed on 02/15/2002
- Power of Attorney filed on 03/01/2001

Transferred

<input type="checkbox"/> Data Entry	Done By
<input type="checkbox"/> Docket Entry	
<input type="checkbox"/> Docket Cross Off	
<input type="checkbox"/> Previously Entered	
<input type="checkbox"/> No Docketing Req.	
<input type="checkbox"/> ELITE	
<input type="checkbox"/> Annuities	

Applicant's response filed 03/01/2001 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 12/17/2001 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

RECEIVED
MAY 18 2003
MINTZ LEVIN, BOSTON
PATENT DOCKET DEPT.

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

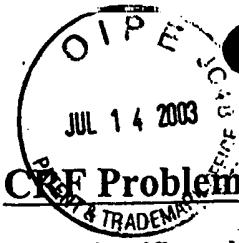
*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

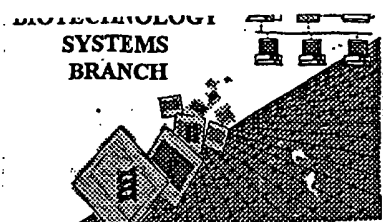
Telephone: (703) 305-2936

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/786,212	PCT/CA00/01347	21892-010



PCT/09



CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/786,212A
Filing Date: 11/29/2000
Date Processed by STIC: 4/2/2003

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

melted CD

The CRF (was):

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)
- ☐ Blank (no files on CRF) (see attached)
- ☐ Empty file (filename present, but no bytes in file) (see attached)
- ☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.
- ☐ Not saved in ASCII text
- ☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.
- ☐ Did not contain a Sequence Listing. (see attached sample)
- ☐ Other: _____

PLEASE USE THE CHECKER VERSION 4.0 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
EFFECTIVE MAY 1, 2003 (via USPS): Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service , or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 04/01/2003

FREE TRANSMITTAL
for FY 2003

JUL 14 2003

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 650

Complete if Known

Application Number	09/786,212
Filing Date	November 20, 2000
First Named Inventor	Jim A. Wright
Examiner Name	Not Yet Assigned
Group / Art Unit	Not Yet Assigned
Attorney Docket No.	46083-011200 (Express Mail # EV344056015 US)

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
- Deposit Account Number: 50-2678
- Deposit Account Name: Greenberg Traurig, LLP
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status. See 37 CFR 1.27
2. ☐ Payment Enclosed:
- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	750	2001 375 Utility filing fee	
		1002	330	2002 165 Design filing fee	
		1003	520	2003 260 Plant filing fee	
		1004	750	2004 375 Reissue filing fee	
		1005	160	205 80 Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
0			0	0	0
			0	0	0
				0	0

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	650.00
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 650)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	James F. Ewing	Registration No. Attorney/Agent	52,875	Telephone	617-310-6000
Signature				Date	July 14, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.